

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

VLADIMIR Y. KOZUB,

Defendant.

CASE NO. CR21-0033-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to continue trial (Dkt. No. 16). Having reviewed the briefing and the relevant record, the Court GRANTS the motion for the reasons described below.

Trial is currently scheduled for April 19, 2021 and pretrial motions were due March 12, 2021. (Dkt. No. 9). Defendant moves to continue trial to sometime in July 2021 and to continue the pretrial motion deadline to provide defense counsel adequate time to prepare for trial and consider the need to file pretrial motions. (Dkt. No. 16.) Defendant indicates additional time is needed to review the discovery, prepare for trial, and consider the need to file pretrial motions. (*Id.* at 1–2.)

Moreover, conducting a trial in April 2021, as scheduled, may result in a miscarriage of justice, in light of the ongoing impact of the COVID-19 pandemic. The pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of

the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See* W.D. Wash. General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 each of which the Court incorporates by reference.)

Accordingly, the Court FINDS that the ends of justice served by granting a continuance outweigh the best interests of Defendant and the public to a speedy trial. *See* 18 U.S.C.

§ 3161(h)(7)(A). The reasons for this finding are:

1. Taking into account the exercise of due diligence, the failure to grant a continuance would deny counsel for Defendant the reasonable time necessary for effective preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).
2. The period of delay is necessary for Defendant and his counsel to adequately prepare for trial, investigate the matter, gather evidence material to the defense, and consider possible defenses and pretrial motions.
3. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, which would likely make proceeding with trial in April 2021 impossible or would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
4. Public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. Therefore, proceeding with trial in April 2021 would likely be impossible or would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

For the foregoing reasons, the Court ORDERS:

1. The April 19, 2021 jury trial is CONTINUED until July 19, 2021 at 9:30 a.m.
2. The pretrial motion deadline is continued to June 10, 2021.
3. The period from the date of this order to July 19, 2021 is an excludable time period

1 under 18 U.S.C. § 3161(h)(7)(A) for the reasons stated above.

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3 DATED this 8th day of April 2021.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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